

REMARKS

Claims 1, 3-28, and 30-52 are pending in the present application. By this reply, claims 2 and 29 have been cancelled. Claims 1, 19, 26-28 and 46 are independent. The Examiner has examined claims 1-8, 17-18 and 26 in the last Office Action.

The claims have been amended to clarify the invention and to improve form according to U.S. patent practice. These modifications do not add new matter and are fully supported by the original disclosure.

WITHDRAWN RESTRICTION REQUIREMENT

On page 2 of the last Office Action, the Examiner has indicated that "To expedite the matter the requirement for Groups A to D hereby is withdrawn." In other words, only the election of species requirement remains.

Accordingly, it is then proper for the Examiner to examine claims 28-35 and 44-45. These are recording medium claims readable on the elected Fig. 7 species, which correspond to elected method claims 1-8 and 17-18. Claims 28-35 and 44-45 are thus amended or cancelled to correspond with any of the above amendments to claims 1-8 and 17-18. Examination of claims 28-35 and 44-45 is respectfully requested.

Further, Applicants respectfully disagree with some of the Examiner's remarks on pages 2 and 3 of the last Office Action pertaining to the election of species requirement. For instance, on page 3 of the last Office Action, the Examiner states "If dependent claims have features that are NOT in the elected figure these claims MUST be removed from the election". There is no legal or PTO practice basis for such statement. The election of species requirement is directed to species (embodiments), and are not bound by only those figures mentioned by the Examiner. The PTO *can* refer to different figures in the requirement, but is not required to do so; see MPEP 809.02(a). Also, what Applicants have elected is a species (embodiment) represented by, e.g., Fig. 7, and not what is only shown in Fig. 7.

DRAWING OBJECTION

The drawings have been objected to because the Examiner alleges that the steps “recording, in the TDMA, management information produced while the recording medium is in use; and transferring and recording the latest management information of the TDMA in the DMA at a DMA fill-in stage of the recording medium” are not shown. This feature has been modified in the current claims. However, this feature or the modified claimed feature is shown in the original drawings, e.g., Figs. 3 and 6B. Accordingly, this objection should be withdrawn.

OBJECTION TO SPECIFICATION

In response to the objection to the specification, there is no cross-reference information that needs to be updated. Thus, this objection should be withdrawn.

35 U.S.C 102 REJECTION

Claims 1-8, 17-18 and 26 are rejected under 35 U.S.C 102(e) as being anticipated by Kim et al., US. Patent 6,564,345 (hereafter Kim). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Regarding independent claims 1 and 26 (and claim 28), Applicants’ claimed invention is patentably distinct from Kim. First, in Applicant’s invention, there exists at least one TDMA which is used to store management information. In particular, as recited in these claims, while the recording medium is in use, the management information is recorded in one of the at least one TDMA.

Second, Applicants’ invention requires at least one DMA which is used to store the latest management information included in one of the at least one TDMA when the recording medium is to be finalized.

Kim is directed to replacing or not replacing defective sectors detected during reproduction with non-defective sectors, depending on the type of data to be reproduced. However, Kim only discloses that when real-time data (e.g., audio/video data) is recorded in the recording medium, location information of defective sectors is just stored without any replacement (e.g., see Abstract, col. 7, line 52 to col. 8, line 115; col. 10, lines 19-47 to col. 11, lines 28 - col. 12, line 59 of Kim). This location information in Kim is called T-PDL.

Thus, in Kim, there is no TDMA and DMA and the relation there between (e.g., recording the latest management information included in one of the at least one TDMA in the at least one DMA, as recited in claim 1). Also, in Kim, there is no disc finalization and the recording of the latest management information when the recording medium is to be finalized, as recited in claim 1. Kim's invention is directed to a rewritable optical disc such as a DVD-RAM and thus, there is no finalization of the disc, where "after the recording medium is finalized, recording of data on the recording medium is not allowed" as required by claim 1.

Accordingly, independent claims 1 and 26 and their dependent claims (due to the dependency) are patentable over the applied reference, and the rejection is improper and should be withdrawn.

35 U.S.C 103 REJECTION

Claim 17 has been rejected under 35 USC 103(a) as being unpatentable over Kim as applied to claim 1 above. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As discussed above, claim 17 is allowable over Kim due to its dependency on claim 1.

In the alternative, claim 17 recites that the recording medium is a writable-once Blu-ray disc (BD-WO). The Examiner states that it would have been obvious for Kim's rewritable optical disc such as DVD-RAM to be a BD-WO because such modification would have been "routine experimentation and system requirement and optimization in the absence of criticality". This statement, however, is not a proper motivation to replace Kim's DVD with Applicants' BD-WO. These discs have completely different standard format requirements and specifications, not to mention different operation capabilities (e.g., write-once operation vs. rewritable operation). Further, there is no motivation to place Kim's disc format information on a BD-WO because such would destroy the intended operation of the BD-WO since it would not be readable/recordable due to the different data structure/format.

Accordingly, claim 17 is patentable over Kim, and the rejection should be withdrawn.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

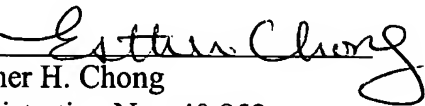
Application No. 10/670,196
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Docket No.: 0465-1034P

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant